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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,977	07/17/2003	Toshinori Hotta	P/ 1878-182	2511

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 NEW YORK, NY 100368403

EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

Application No.

10/621,977

Applicant(s)

HOTTA ET AL.

Examiner

Dalena Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-14 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_



## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This office action is responsive to the amendment filed on 4/22/05. As per request, claims 1-2 have been amended. Claims 9-14 have been added. Thus, Claims 1-14 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, and 7-8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Knoblach et al. (6,628,941) in view of Walrath et al. (5,463,402).

As per claim 1, Knoblach et al. disclose a stratospheric flying object for use in a stratosphere, comprising: a flying object body, a platform unit mounted on flying object body and capable of being positioned relative to the flying object (see columns 13-14, lines 41-5; column 14, lines 24-67; column 16, lines 11-39; and column 18, lines 16-54). Knoblach et al. do not disclose control for detecting an azimuthal angle of platform unit in a horizontal plane and actuating platform unit to face in a constant direction at all times within horizontal plane. However, Walrath et al. disclose control for detecting an azimuthal angle of platform unit in a horizontal plane and actuating platform unit to face in a constant direction at all times within horizontal plane (see the abstract; column 3, lines 10-52; and columns 5-6, lines 51-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Knoblach et al. by combining control for detecting an azimuthal angle of



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platform unit in a horizontal plane and actuating platform unit to face in a constant direction at all times within horizontal plane for accurately detect a position of the flying object and adjusting the position of the flying object to a desired orientation.

As per claim 2, Walrath et al. also disclose the flying object is structured to be placed at a constant location and turned about the constant location when in operation (see columns 5-6, lines 51-58).

As per claims 3-4, Knoblach et al. disclose a mount suspended from flying object body, platform unit being supported on mount and rotatable with respect to mount, wherein platform unit can be stored in flying object body (see column 17, lines 3-31; and columns 19-20, lines 18-30).

Also, as per claim 7, Knoblach et al. disclose communication device mounted on platform unit for communications with another stratospheric flying object (see columns 11-12, lines 25-12).

As per claim 8, Knoblach et al. disclose at least one of a first communication device mounted on platform unit for communications with a station on the earth's surface and a second communication device mounted on platform unit for communications with an artificial satellite (see columns 12-13, lines 13-5; and columns 19-20, lines 18-30).

4. Claim 5, is rejected under 35 U.S.C. 103(a) as being unpatentable over Knoblach et al. (6,628,941), and Walrath et al. (5,463,402) as applied to claim 1 above, and further in view of Lindenbaum (4,695,012).

As per claim 5, Knoblach et al., and Walrath et al. do not disclose control detects a tilt of platform unit with respect to horizontal plane and actuates platform unit to compensate for the



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detected tilt. However, Lindenbaum discloses control detects a tilt of platform unit with respect to horizontal plane and actuates platform unit to compensate for the detected tilt (see column 5, lines 1-37; and columns 20-21, lines 37-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Knoblach et al., and Walrath et al. by combining detects a tilt of platform unit with respect to horizontal plane and actuates platform unit to compensate for the detected tilt to obtain precise position of the platform unit.

5. Claim 6, is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-14 are allowable.

#### **Remarks**

6. Applicant's argument filed on 4/22/05 has been fully considered. Upon updated search, the new ground of rejection has been set forth as above.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. Effective on July 15, 2005, the new fax phone number for the organization where this application or proceeding is assigned is 571-273-8300



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Dalena Tran

A handwritten signature in black ink, appearing to read 'Dalena Tran', with a horizontal line extending to the right.

July 7, 2005